

Montana Department of Natural Resources and Conservation
Water Resources Division
Water Rights Bureau

ENVIRONMENTAL ASSESSMENT
For Routine Actions with Limited Environmental Impact

Part I. Proposed Action Description

1. Applicant/Contact name and address: Jack Creek Ranch Limited Partnership
PO Box 506
85 Forest Ave.
Locust Valley, NY 11560
2. Type of action: Application to Change A Water Right # 30031005-41F
3. Water source name: McKee Spring, an unnamed tributary to Jack Creek
4. Location affected by project:
5. Narrative summary of the proposed project, purpose, action to be taken, and benefits:
The applicant proposes to add an off stream stock tank, which will be located in the NESWNW Sec 36 T5S R1W, Madison County. A diversion box located in the NWSNW Sec 36 T5S R1W, will divert 5 GPM, up to 0.52 acre-feet of water through a pipeline to the stock tank. **The DNRC shall issue a change authorization if an applicant proves the criteria in # 85-2-402 MCA are met.**
6. Agencies consulted during preparation of the Environmental Assessment: Montana State Historic Preservation Office, Montana Department of Fish, Wildlife & Parks, Montana Natural Heritage Program, Montana Department of Environmental Quality, Madison County Planning Office.

Part II. Environmental Review

1. Environmental Impact Checklist:

PHYSICAL ENVIRONMENT

WATER QUANTITY, QUALITY AND DISTRIBUTION

Water quantity - Assess whether the source of supply is identified as a chronically or periodically dewatered stream by DFWP. Assess whether the proposed use will worsen the already dewatered condition.

Determination: The source of water is McKee Spring, an unnamed tributary of Jack Creek, which is not listed as chronically or periodically dewatered by the DFWP. Jack Creek however is listed as chronically dewatered. Because no additional water will be consumed there will be no affect on Jack Creek.

Water quality - *Assess whether the stream is listed as water quality impaired or threatened by DEQ, and whether the proposed project will affect water quality.*

Determination: McKee Spring, an unnamed tributary of Jack Creek is not listed on the DEQ, 303(d) list. Jack Creek however is listed on the DEQ 303 (d) list. Bank erosion, and habitat alterations caused by grazing related activities will improved by fencing livestock out of the riparian area, and providing on off stream stock tank.

Groundwater - *Assess if the proposed project impacts ground water quality or supply. If this is a groundwater appropriation, assess if it could impact adjacent surface water flows.*

Determination: This proposed off stream stock tank will have no impact to groundwater quality or supply.

DIVERSION WORKS - *Assess whether the means of diversion, construction and operation of the appropriation works of the proposed project will impact any of the following: channel impacts, flow modifications, barriers, riparian areas, dams, well construction.*

Determination: A diversion box will divert water through a pipeline and into an off stream stock tank. Boards will back up water so it will flow into the pipeline for six weeks a year. These boards may create a barrier when they are in the creek. The riparian area will be protected by fencing the cows out.

UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES

Endangered and threatened species - *Assess whether the proposed project will impact any threatened or endangered fish, wildlife, plants or aquatic species or any "species of special concern," or create a barrier to the migration or movement of fish or wildlife. For groundwater, assess whether the proposed project, including impacts on adjacent surface flows, would impact any threatened or endangered species or "species of special concern."*

Determination: The Montana Natural Heritage Program was contacted. They identified the Spiny Skeletonweed, a sensitive vascular plant possibility occurring in this area. It is unknown if the proposed stock tank will be located where the Spiny Skeletonweed grows.

Wetlands - *Consult and assess whether the apparent wetland is a functional wetland (according to COE definitions), and whether the wetland resource would be impacted.*

Determination: Any wetland resources will be protected when the riparian area is fence off.

Ponds - *For ponds, consult and assess whether existing wildlife, waterfowl, or fisheries resources would be impacted.*

Determination: This change application does not involve a pond.

GEOLOGY/SOIL QUALITY, STABILITY AND MOISTURE - *Assess whether there will be degradation of soil quality, alteration of soil stability, or moisture content. Assess whether the soils are heavy in salts that could cause saline seep.*

Determination: It is unlikely that saline seep exists within this location. Soil moisture content, quality or stability should not be changed by this stock tank.

VEGETATION COVER, QUANTITY AND QUALITY/NOXIOUS WEEDS - *Assess impacts to existing vegetative cover. Assess whether the proposed project would result in the establishment or spread of noxious weeds.*

Determination: The vegetative cover will likely be disturbed during construction. It is the landowners responsibility to replant the exposed soil.

AIR QUALITY - *Assess whether there will be a deterioration of air quality or adverse effects on vegetation due to increased air pollutants.*

Determination: There is no significant impact on air quality relating to this stock tank.

HISTORICAL AND ARCHEOLOGICAL SITES - *Assess whether there will be degradation of unique archeological or historical sites in the vicinity of the proposed project.*

Determination: The Montana State Historic Preservation office was contacted. The site is the historic McKee farmstead and associated outbuildings. As long as there will be no disturbance or alteration to structures over fifty years of age they believe there is a low likelihood that cultural properties will be impacted. Therefore a cultural resource inventory is unwarranted at this time.

DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AND ENERGY - *Assess any other impacts on environmental resources of land, water and energy not already addressed.*

Determination: No impact on other environmental resources were identified.

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| HUMAN ENVIRONMENT |
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LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS - *Assess whether the proposed project is inconsistent with any locally adopted environmental plans and goals.*

Determination: The Madison County Planning Board has no restrictions on off stream stock tanks.

ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES - *Assess whether the proposed project will impact access to or the quality of recreational and wilderness activities.*

Determination: This project is located on private land, with no access to public recreational or wilderness activities. No impact is expected.

HUMAN HEALTH - *Assess whether the proposed project impacts on human health.*

Determination: No impact to human health is expected.

PRIVATE PROPERTY - *Assess whether there are any government regulatory impacts on private property rights.*

Yes ___ No **X** *If yes, analyze any alternatives considered that could reduce, minimize, or eliminate the regulation of private property rights.*

Determination: Private property rights are not impacted by this action.

OTHER HUMAN ENVIRONMENTAL ISSUES - *For routine actions of limited environmental impact, the following may be addressed in a checklist fashion.*

Impacts on:

- (a) Cultural uniqueness and diversity? No significant impact
- (b) Local and state tax base and tax revenues? No significant impact
- (c) Existing land uses? No significant impact
- (d) Quantity and distribution of employment? No significant impact
- (e) Distribution and density of population and housing? No significant impact
- (f) Demands for government services? No significant impact
- (g) Industrial and commercial activity? No significant impact
- (h) Utilities? No significant impact
- (i) Transportation? No significant impact
- (j) Safety? No significant impact
- (k) Other appropriate social and economic circumstances? No significant impact

2. *Secondary and cumulative impacts on the physical environment and human population:*

Secondary Impacts No secondary impact have been identified.

Cumulative Impacts No cumulative impacts have been identified.

3. ***Describe any mitigation/stipulation measures:*** Mitigation or stipulations are not planned at this time.

4. ***Description and analysis of reasonable alternatives to the proposed action, including the no action alternative, if an alternative is reasonably available and prudent to consider:*** The no action alternative would be to continue to allow the stock to water directly from the creek. The creek could be fenced, with some areas allowing to stock to water from the creek.

PART III. Conclusion

1. ***Preferred Alternative*** Add the off stream stock tank

2. ***Comments and Responses*** No comments have been received to date.

3. ***Finding:***
Yes ___ No **X** *Based on the significance criteria evaluated in this EA, is an EIS required?*

If an EIS is not required, explain why the EA is the appropriate level of analysis for this proposed action: Significant impacts have not been identified. The EA is the appropriate level of action for this project.

Name of person(s) responsible for preparation of EA:

Name: Jan R. Mack

Title: Water Resources Specialist

Date: April 15, 2008